COUNCIL OF THE CITY OF ABERDEEN
Charter Amendment Resolution No. 14-CR-01

Introduced By: Mayor Michael E. Bennett

Date Introduced:

Amendments Adopted:

Date Adopted:

Date Effective:

A CHARTER AMENDMENT RESOLUTION concerning

Revisions to City's Electoral Process

1   **FOR**   the purpose of altering certain provisions of the Aberdeen City Charter relating to the
2   City's municipal election electoral process; clarifying the qualifications to vote in City
3   elections; modifying the process for appeals of decisions of the City's Board of
4   Elections; altering terms of office of members of the Board of Elections; altering
5   certain requirements for candidates for Mayor and Council members to file for election
6   to office; and generally related to revisions to the City's electoral process.
7
8   **BY**   repealing and reenacting, with amendments
9   §VII. Elections and Board of Elections
10   Sections VII.1, VII.2, VII.3 and VII.8
11   Charter of the City of Aberdeen (as published by General Code Corporation)

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW
((Double Parenthesis)) indicate matter deleted from existing law.
Underlining indicates amendments to Resolution.
Strike Out indicates matter stricken from Resolution by amendment or
deleted from the Charter by amendment.
* * * indicates existing unmodified text omitted from Resolution

1   **SECTION 1. BE IT RESOLVED BY THE COUNCIL OF THE CITY OF**
2   **ABERDEEN** that Sections VII.1, VII.2, VII.3 and VII.8 of the Charter of the City of Aberdeen
3   (as published by General Code Corporation), §VII. Elections and Board of Elections, are
4   amended to read as follows:
5
6   **§ VII. Elections and Board of Elections.**
7
8   1. Any decision ((of)) MADE BY the Aberdeen Board of Elections MORE THAN 20
9   DAYS BEFORE THE SCHEDULED DATE OF A CITY ELECTION shall be subject to
10 review by the City Council if a WRITTEN request for review is filed with the City Clerk
11 BY ANY INDIVIDUAL SPECIALLY AGGRIEVED BY THE BOARD'S DECISION.
12 A REQUEST FOR REVIEW MUST BE FILED WITH THE CITY CLERK, UNDER
13 OATH, ON A FORM PRESCRIBED BY THE CITY CLERK, within 10 days from the
14 date of the BOARD'S decision, EXCEPT THAT A REQUEST FOR REVIEW OF A
15 DECISION MADE BY THE BOARD WITHIN 30 DAYS BEFORE THE
16 SCHEDULED DATE OF A CITY ELECTION MUST BE FILED WITHIN 5 DAYS
17 FROM THE DATE OF THE DECISION. A REQUEST FOR REVIEW SHALL STATE
18 WITH SPECIFICITY THE DECISION OF THE BOARD FOR WHICH REVIEW IS
19 SOUGHT AND THE ERRORS OF FACT AND LAW ALLEGEDY COMMITTED BY
20 THE BOARD, AND SHALL BE ACCOMPANIED BY DOCUMENTATION
21 SUPPORTING THE ALLEGATIONS OF ERROR. IN CONDUCTING ITS REVIEW,
22 THE COUNCIL SHALL CONSIDER THE RECORD OF THE MATTER MADE BY
23 THE BOARD, AND MAY CONDUCT SUCH FURTHER PROCEEDINGS AS THE
24 COUNCIL DEEMS APPROPRIATE. THE COUNCIL MAY AFFIRM, MODIFY OR
25 REVERSE THE DECISION OF THE BOARD FOR FURTHER PROCEEDINGS,
26 EXCEPT THAT THE COUNCIL MAY MODIFY OR REVERSE THE BOARD'S
27 DECISION IF THE BOARD'S DECISION IS ARBITRARY, CAPRICIOUS OR
28 CONTRARY TO LAW. THE COUNCIL SHALL COMPLETE THE REVIEW AND
29 RENDER A WRITTEN DECISION WITHIN TEN DAYS OF RECEIPT OF A
30 TIMELY AND PROPERLY FILED REQUEST, UNLESS THE REQUEST FOR
31 REVIEW IS MADE IN THE THIRTY-FIVE DAY PERIOD BEFORE A MUNICIPAL
32 ELECTION, IN WHICH CASE THE COUNCIL SHALL RENDER A WRITTEN
33 DECISION WITHIN THREE DAYS OF RECEIPT OF THE TIMELY AND
34 PROPERLY FILED REQUEST. IF THE COUNCIL DOES NOT COMPLETE ITS
35 REVIEW AND ISSUE A WRITTEN DECISION WITHIN THE APPLICABLE TEN
36 OR THREE DAY PERIOD, THE DECISION OF THE BOARD SHALL BE DEEMED
37 AFFIRMED.

1   2. A person is a qualified voter of the City and eligible to vote ((at any and all)) IN A City
2   ((elections)) ELECTION if that person:
3   a. Is a citizen of the United States;
4   b. Is at least 18 years of age;
5   c. Is a resident of the State of Maryland
6   d. Is a resident within the corporate limits of the City for at least 21 CONSECUTIVE
7   days IMMEDIATELY preceding ((any City)) THE election;
8   e. Is registered with the Harford County Board of Elections AT AN ADDRESS
9   LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY;
10   f. Is otherwise qualified under the Constitution and laws of the State of Maryland; and
11   g. Is not registered to vote in another state.
12
13   WHERE THIS CHARTER REQUIRES THAT AN INDIVIDUAL BE A QUALIFIED
14   VOTER OF THE CITY IN ORDER TO BE A CANDIDATE, BE ELECTED OR
15   APPOINTED TO OFFICE, OR TO HOLD OFFICE, THE RESIDENCY
16   REQUIREMENT IN SUBSECTION D. SHALL BE CONSTRUED WITHOUT
17   REGARD TO THE PERIOD OF 21 DAYS PRECEDING ELECTION.
18
19   3. There shall be an Aberdeen Board of Elections consisting of three members appointed by
20   the Mayor for terms of two years, with the approval of the Council, on or before the first
21   Monday in January after the effective date of this Charter and on or before the same day
22   every second year thereafter. BEGINNING WITH THOSE MEMBERS OF THE
23   BOARD APPOINTED IN JULY, 2016, MEMBERS OF THE BOARD SHALL HOLD
24   OFFICE FOR TERMS OF FOUR YEARS. Members of the Board shall be qualified
25   voters of the City AT THE TIME OF APPOINTMENT AND DURING THEIR TERMS
26   OF OFFICE and shall not hold office or be candidates for elective office during their
27   terms of office. The Mayor shall appoint one of its members as Chairperson. A vacancy
28   on the Board shall be filled by the Mayor, with the approval of the Council, for the
29   remainder of the unexpired term. Compensation of members of the Board shall be
30   determined by the Council.
31
32   8. Any candidate for the office of Council member or Mayor must file at least ((30)) 35
33   days prior to and no earlier than ((60)) 65 days prior to the date of the election a
34   certificate of candidacy on a form provided by the board containing the following:
35
36   * * *
37
38   d. ((The certificate of candidacy shall contain the printed or typed name, address and
39   signatures of at least 20 registered voters of the City of Aberdeen nominating the
40   candidate for the office of Mayor or Council member. A registered voter may

1   nominate more than one candidate in an election; however, no Council member then
2   holding office not any candidate who has filed for the election not the candidate
3   concerned or his or her spouse, parent or child may sign the certificate of candidate
4   for the purpose of fulfilling the requirement of nomination by 20 registered voters.))
5
6   ((e.))The certificate of candidacy shall be signed by the candidate under penalties of
7   perjury and shall be accompanied by a nonrefundable filing fee of $25 payable to the
8   City of Aberdeen.
9
10   ((f.)) E. A candidate who has filed may withdraw his or her certificate of candidacy after
11   filing by delivering to the Aberdeen Board of Elections, at least 30 days prior to the
12   date of the election, written notification of withdrawal signed by the candidate.
13
14   F. EACH CANDIDATE SHALL COMPLETE THE FINANCIAL DISCLOSURE
15   FORM AS REQUIRED BY CHAPTER 43 OF THE ABERDEEN CITY CODE.
16   THIS FINANCIAL DISCLOSURE FORM SHALL BE CONSIDERED A PART OF
17   THE CERTIFICATE OF CANDIDACY AND NO CANDIDATE MAY BE
18   CONSIDERED ELIGIBLE FOR PLACEMENT ON THE BALLOT UNTIL THIS
19   DISCLOSURE FORM IS TIMELY AND SATISFACTORILY COMPLETED AND
20   APPROVED BY THE ETHICS COMMISSION.
21
22   **SECTION 2. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE**
23   **CITY OF ABERDEEN** that the date of adoption of this Resolution is _____, 2014, and
24   the amendment of the Charter of the City of Aberdeen hereby enacted shall become effective on
25   _____, 2014, unless a proper petition for referendum hereon shall be filed as permitted by
26   law, provided a complete and exact copy of this Resolution shall be continuously posted on the
27   bulletin board in Aberdeen City Hall until _____, 2014, and provided further that a copy
28   of the title of this Resolution shall be published in The Record, a newspaper of general
29   circulation in the City of Aberdeen, or in any other newspaper of such general circulation, once
30   in each of the weeks beginning _____, _____, _____, and _____, 2014.
31
32   **SECTION 3. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE**
33   **CITY OF ABERDEEN** that the City Clerk is hereby specifically commanded to carry out the
34   provisions of Section 2, hereof, and, as evidence of such compliance, the City Clerk shall cause
35   to be maintained appropriate certificates of publication of the newspaper or newspapers in which
36   the title of the Resolution shall have been published. If a favorable referendum is held on the
37   Charter change, the Mayor shall proclaim the Charter change hereby enacted to have been
38   approved by the voters and the charter amendment shall become effective on the date provided
39   by law.
40
41   **SECTION 4. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE**
42   **CITY OF ABERDEEN** that as soon as the Charter Amendment hereby enacted shall become

1   effective, either as provided herein or following a referendum, the City Clerk shall send by mail
2   to the Department of Legislative Services of Maryland, a clear certified copy of this Resolution
3   showing the number of Councilpersons voting for and against it and a report on the votes cast for
4   or against the amendment hereby enacted at any referendum thereon and the date of such
5   referendum.
6
7   The above Charter Amendment was enacted by the foregoing Resolution which was
8   passed at a regular meeting of the Council of the City of Aberdeen on _____, 2014,
9   _____ members of the Council voting in the affirmative, _____ members of the Council voting in
10   the negative, _____ members of the Council abstaining, and _____ members of the Council absent,
11   and the said Resolution becomes effective accordance with the law on the _____ day
12   of _____, 2014.

COUNCIL OF THE CITY OF ABERDEEN

_____
Michael E. Bennett, Mayor

_____
Ruth E. Elliott, Councilwoman

_____
Bruce E. Garner, Councilman

_____
Sandra J. Landbeck, Councilwoman

_____
Ruth Ann Young, Councilwoman

ATTEST: **SEAL:**

_____
Monica A. Correll, City Clerk

Date _____